

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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UNITED STATES OF AMERICA <>

<>

v.

<> Case Number: 2:06-cr-169-WKW
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CECILIO PACACHE <>

<>

Defendant <>

MOTION FOR CONTINUANCE

COMES NOW Defendant Cecilio Pacache, by and through his undersigned counsel, petitioning this Honorable Court to **GRANT** permission for Defendant Pacache to forego attendance at his Pre-trial hearing, scheduled for 3:00 P.M. on Friday, September 28, 2007. Defendant has authorized undersigned counsel to appear in his behalf. Defendant declares, in support of this motion that:

- 1) Defendant resides in Magwood, California.
- 2) Appearing at this hearing would constitute an avoidable burden on Defendant, who is already unable to secure retained counsel, particularly after his appearance before this Court this week.
- 3) This hearing presents no issues which Mr. Pacache's counsel cannot fully and completely address on his behalf.
- 4) Consistent with the Federal Rules of Criminal Procedure, and with counsel's telephone discussion with this Court's staff on Wednesday, September 26, 2007, Mr. Pacache's presence is not required for this hearing.
- 5) The interests of law and justice will not be diminished in any manner by Defendant Pacache's absence at this hearing.

WHEREFORE Defendant Cecilio Pacache respectfully requests this Honorable Court to excuse his attendance at the aforementioned proceeding.

RESPECTFULLY SUBMITTED THIS 28TH DAY OF SEPTEMBER, 2007



I.M. (Mike) Winter, Jr. (WIN036)
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CERTIFICATE OF SERVICE

I hereby certify that I have served this motion, by in-hand delivery to Ms. A. Clark Morris, Esquire, Assistant United States Attorney at the United States Courthouse, located at One Church Street; Montgomery, Alabama 36104.

DONE THIS 28TH DAY OF SEPTEMBER, 2007

A handwritten signature in black ink, appearing to read "I.M. (Mike) Winter, Jr.", written over a horizontal line.

I.M. (Mike) Winter, Jr. (WIN036)
Attorney For Mr. Cecilio Pacache